



CE  
EI-2103

JOHN A. SIMS  
Paralegal

AB-6-427X

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TO: Catherine Glidden  
ADDRESS: STB  
FAX NUMBER: ~~714~~ (202) 565-9000

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FROM: JOHN A. SIMS

Re: AB6-427X

TELEPHONE NUMBER: (817) 352-2376

SPECIAL INSTRUCTIONS: This is regarding  
Condition #4 of the STB decision  
served February 22, 2005.

IF YOU RECEIVED THIS MATERIAL IN ERROR  
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A & K RAILROAD MATERIALS, INC.

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**EXHIBIT E**

**Salvage Conditions Fulfillment Form**

Mr. Mack D. Wiens  
BNSF Railway Company  
920 SE Quincy  
P.O. Box 1738  
Topeka, KS 66601-1738

Re: Fulfillment of Salvage Conditions for Agreement for the Sale of Property Annexed to Real Estate by and between BSNF Railway and A&K Railroad Materials, Inc., dated March 18, 2006, Contract Number BF39409, related to the salvage of property located between MP 2.94 near Sanborn and MP 8.00 near Rogers in Barnes County, North Dakota.

Dear Mr. Wiens:

Pursuant to the requirements of Section 6(d) and Exhibit D of the Contract, Purchaser hereby certifies to BNSF that all Salvage Conditions (as Defined in the Contract) have been completed. Documentation evidencing completion of all Salvage Conditions is attached to this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely

A&K RAILROAD MATERIALS, INC.

  
Jim Okroy  
Vice President Operations



Contract Number: BF39409

EXHIBIT D

Salvage Conditions

Sanborn, North Dakota to Rogers, North Dakota; AB-6 (Sub-No. 427X)

1. Prior to salvage activities, Salvager shall contact Gary Bracht at the North Dakota Department of Health, Environmental Health Section (701-328-5227) regarding the need for a storm water permit. If a permit is required, Salvager shall provide a copy of the permit to Mack Wiens at BNSF.

GARY BRACHT CONTACTED 3/30/06

THIS PERMIT IS NOT REQUIRED.